

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS,
AUSTIN DIVISION

FLASHPARKING, INC.,
Plaintiff,

v.

MICHAEL SELLERS MACDONALD,
Defendants.

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CIV. NO: 1:23-cv-00772-DII

AUGUST 29, 2023

**MOTION FOR EXTENSION OF TIME TO FILE DEFENDANT’S REPLY TO
PLAINTIFF’S RESPONSE TO DEFENDANT’S MOTION TO DISMISS**

Pursuant to Federal Rules of Civil Procedure, Rule 6 and Local Rule CV-7, Defendant, Michael MacDonald, through its counsel Kirsten M. Schneider, Carey & Associates, P.C., files this motion for extension of time until September 7, 2023 to file Defendant’s Reply to his Motion to Dismiss. In support of his motion, Defendant provides the following good cause:

- 1) On August 10, 2023, Defendant filed his Motion to Dismiss [Dkt. 8, 9].
- 2) On August 24, 2023, Plaintiff filed its Response to Defendant’s Motion to Dismiss [Dkt. 11].
- 3) Defendant’s Reply to Plaintiff’s Response is presently due on August 31, 2023.
- 4) Defendant and defendant’s counsel require more time to meet and confer regarding the declaration of Rory McCune that was submitted in support of Plaintiff’s Response [Dkt. 11] and the facts alleged in the Response to the Motion to Dismiss. Defendant and Defendant’s counsel have been unable to meet and confer due to Defendant’s counsel work-related

travel schedule, her personal travel commitments of moving two college-aged children to attend out-of-state colleges (and now evacuating one of the two children from Tampa, Florida and finding him a safe haven to ride-out the impending landfall of hurricane Idalia), and Defendant's own unanticipated travel related to family matters.

- 5) Defendant's counsel also needs additional time to respond to Plaintiff's Response in order to perform additional legal research related to the complex legal arguments propounded by opposing counsel.
- 6) On August 29, 2023, Defendant's counsel emailed Plaintiff's counsel asking for consent to an extension of time until September 7, 2023. At the time of this filing, neither attorney for Plaintiff responded to Defendant's counsel's request for consent.
- 7) This is Defendant's first request for an extension of time to file his Reply to Defendant's Motion to Dismiss.

WHEREFORE, Defendant respectfully requests that the court grant the instant motion and extend Defendant's deadline to file his Reply to Plaintiff's Response to Defendant's Motion to Dismiss until September 7, 2023.

Respectfully Submitted,

DEFENDANT
MICHAEL SELLERS MACDONALD

By:/s/ Kirsten M. Schneider
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CERTIFICATION OF SERVICE

Pursuant to Efiling Local Rule 5.4, this is to certify that on August 29, 2023, a copy of the foregoing was filed electronically on the Texas County Court's efiling system, emailed to the parties below, and delivered to all those with access to such efiling system and mailed, postage prepaid, to those parties without electronic access. The electronic transmission was reported as complete.

/s/ Kirsten M. Schneider
Kirsten M. Schneider
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The foregoing document was emailed to:

FOR PLAINTIFF:

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